

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

JUNE 1997 SESSION

<p>FILED</p> <p>August 15, 1997</p> <p>Cecil W. Crowson Appellate Court Clerk</p>

STATE OF TENNESSEE,)
)
 APPELLEE,)
)
 v.)
)
 MARSHALL L. SCRUGGS,)
)
 APPELLANT.)

No. 01-C-01-9608-CR-00375

Sumner County

Jane F. Wheatcraft, Judge

(Revocation of Community Corrections Sentence)

FOR THE APPELLANT:

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OPINION FILED: _____

AFFIRMED PURSUANT TO RULE 20

Joe B. Jones, Presiding Judge

OPINION

The appellant, Marshall L. Scruggs (defendant), appeals as of right from a judgment of the trial court revoking his community corrections sentence and requiring him to serve the sentence previously imposed by the court. In this Court, the defendant contends the trial court abused its discretion by revoking his probation.

This is the second community corrections revocation in this case. The record reflects the defendant violated the terms of his house arrest. He was subsequently arrested for underage consumption of alcohol, driving while under the influence, and driving while his license was suspended. He was convicted of DUI and the other two charges were retired.

After a thorough review of the record, the briefs submitted by the parties, and the law governing the issue presented for review, it is the opinion of this Court that the judgment of the trial court should be affirmed pursuant to Rule 20, Tennessee Court of Criminal Appeals Rules.

JOE B. JONES, PRESIDING JUDGE

CONCUR:

WILLIAM M. BARKER, JUDGE

THOMAS T. WOODALL, JUDGE